

**New Hampshire Department of
Environmental Services
Air Resources Division**



Title V Operating Permit Reporting Guidance

Introduction

The NH Department of Environmental Services, Air Resources Division (“DES”) has developed this reporting guidance in order to offer information and assistance to owners and operators of facilities subject to Title V of the Clean Air Act (“Title V sources”). The Code of Federal Regulations, Title 40, Part 70 (“40 CFR 70”) specifies the requirements for the Title V Operating Permit Program. This guidance addresses some of the reports required to be submitted by 40 CFR 70 and NH Administrative Rules Env-A 900 by owners of facilities that are subject to Title V and that have been issued or are waiting to be issued a Title V Operating Permit, including:

1. The **Annual Compliance Certification, due annually on April 15;** and
2. The **Semi-Annual Permit Deviation and Monitoring Report, due semi-annually on January 31 and July 31 (or alternate schedule with DES approval).**

Included as appendices to this guidance document are optional forms that can be used to satisfy the reporting requirements listed above. DES is not requiring the use of these forms or the particular format shown. However, all of the information listed on the optional forms must be reported to DES, regardless of the reporting format used. The appendices include the following documents:

- A. Annual Compliance Certification, Parts 1 through 3;
- B. Instructions for completing the Annual Compliance Certification;
- C. Semi-Annual Permit Deviation and Monitoring Report, Parts 1 through 5;
- D. Instructions for completing the Semi-Annual Permit Deviation and Monitoring Report; and
- E. Permit Deviation Reporting Form.

The Annual Compliance Certification must be submitted to both DES **and** to the USEPA. The semi-annual permit deviation and monitoring (“PD/M”) report is only required to be submitted to DES. However, if there is information contained in the Semi-Annual PD/M Report that is necessary to demonstrate its compliance to the USEPA when submitting the Annual Compliance Certification, the source should include copies of the semi-annual report or any other pertinent data referenced in the document and necessary to demonstrate compliance.

The Annual Compliance Certification is discussed in more detail in Section I of this guidance document, the Semi-Annual PD/M Report is discussed in more detail in Section II, permit deviation reporting is discussed in more detail in Section III.

Copies of this guidance document, the optional reporting forms and the instructions for completing the reporting forms can be viewed or downloaded from the DES website at <http://des.nh.gov/organization/divisions/air/pehb/apps/categories/technical.htm>.

Title V sources operating under a Temporary Permit or State Permit to Operate:

The original version of this guidance was written for Title V sources that had already been issued a Title V Operating Permit and referred to the specific Sections and language contained in Title V Operating Permits. However, in some cases a Title V source will continue to operate under the conditions of a Temporary Permit and/or State Permit to Operate while DES acts on its Title V Operating Permit application. For example, a newly-constructed Title V source will operate under the conditions of a Temporary Permit until DES issues its Title V Operating Permit, or an existing Title V source with a Title V Operating Permit may be issued a Temporary Permit to allow for the construction and installation of additional devices or processes which are required to be permitted. In some cases, a Title V source may have applied for a Title V Operating Permit, but will continue to operate under one or more State Permits to Operate until such time DES issues its Title V Operating Permit. On April 21, 2007, DES promulgated Env-A 907.04 *General Reporting Requirements for Sources Subject to Env-A 609* which requires all Title V sources to submit Annual Compliance Certifications and Semi-Annual PD/M Reports even if DES has not yet issued the Title V Operating Permit. In that event, the source must comply with the reporting requirements of 40 CFR 70 and Env-A 900 and **apply this guidance to the conditions of ALL permits under which it is operating**.

Title V sources operating under a Title V Operating Permit:

All Title V Operating Permits include conditions that specifically require the Title V source to submit an Annual Compliance Certification and Semi-Annual PD/M Reports. The requirement for submittal of the Annual Compliance Certification typically contains the following or similar language: "Annual Compliance Certification shall be submitted in accordance with Section XXI of this Permit." Section XXI (the section number may differ in individual Title V Operating Permits) describes the information that must be included in the Annual Compliance Certification. The source is required to certify its compliance status with **each and every condition of the permit**, beginning with Section I and continuing through the General Title V Operating Permit Conditions (see page 10 for an exception to this requirement). The requirement in the permit to submit the Semi-Annual PD/M Report references the monitoring requirements contained elsewhere in the permit for which data needs to be summarized and submitted in the semi-annual report. It also requires a summary of any permit deviations that occurred during the reporting period.

Title V sources that shutdown, reduce emissions below major source, or opt out of Title V as a Synthetic Minor source:

Sometimes a source that was originally subject to Title V because of its potential to emit one or more pollutants above a major source threshold, can reduce its actual and/or potential

emissions such that it is no longer subject to the Title V Operating Permitting program. This can occur if a source shuts down or if it permanently removes devices that emitted pollutants for which the source was major, thereby lowering its potential emissions to below major source thresholds. A source can also choose to opt out of Title V by applying for and obtaining a synthetic minor source permit that contains federally enforceable permit limits that restrict its actual emissions to below major source thresholds.

In the event any of the above instances occur, the former Title V source must still comply with all the reporting requirements for any period during which it was subject to Title V. If a source is subject to Title V for only part of the calendar year, the owner/operator must still submit an Annual Compliance Certification by April 15 for any part of the preceding year during which Title V was applicable. By July 31 or January 31, or whichever reporting deadline applies, the owner/operator must also submit a Semi-Annual PD/M Report for any part of the preceding 6-month period during which Title V was applicable. If a source is shutting down all of its equipment, devices and operations, it should submit any required reports to DES as part of its closing process. For a source shutting down, it is also required to submit a final annual emissions report and submit annual emissions-based fees for any part of the year it operated.

It is the responsibility of the Title V source to monitor its compliance during the reporting period and to accurately certify its compliance status annually. **DES does not send notices to Title V sources to remind them of their reporting obligations and deadlines.** Title V sources that submit incomplete reports, fail to submit a report, or submit a report after the reporting deadline may be subject to enforcement action by DES and/or the USEPA. The USEPA assigns High Priority Violator (HPV) status to sources that fail to submit the Title V Annual Compliance Certification by the reporting deadline. Although not required, DES recommends that the Annual Compliance Certification and semi-annual reports be sent to DES via certified mail.

Section I. Annual Compliance Certification:

40 CFR 70 and Env-A 907.04 require that all Title V sources certify their compliance status with **each condition and requirement of the permit** on an annual basis. The Annual Compliance Certification must be submitted annually on or before **April 15** and covers the period of January 1 through December 31 of the preceding calendar year.

Operating with more than one Permit during the Reporting Period:

If during the January 1 through December 31 reporting period, the Title V source operated under the conditions of one or more or any combination of Title V Operating Permits, State Permits to Operate, or Temporary Permits, the source must certify its compliance with the conditions of all the permits under which it operated.

If a Title V Operating Permit is issued to replace an earlier expired Title V Operating Permit without any changes, or if the new permit contains some new requirements, but still

contains all the requirements of the prior permit, then the source can certify against all the conditions of the old permit and identify its compliance with any new requirements as only being for the period since the new permit was issued.

If the source has a current Title V Operating Permit and is issued a Temporary Permit which allows changes to its operation or the installation of new devices and which will ultimately be incorporated into a new Title V Operating Permit, the source must certify its compliance with the Title V Operating Permit and the Temporary Permit for the time period for which each permit was valid. In some cases, the source will have to submit separate Annual Compliance Certifications for each period and/or each set of permit conditions under which it operated in order to clearly identify the pertinent permit conditions, its compliance status with those conditions, and the period during which those conditions applied.

How the source chooses to accomplish the task of certifying its compliance in the case of multiple permits during a reporting period will depend on its particular circumstances. However, it is the Title V source's responsibility to ensure that the Annual Compliance Certification is complete, accurate and understandable. If the source has any questions about how to meet its certification obligations with multiple permits, it should contact DES for clarification prior to the deadline for submitting the certification.

Certifying Compliance:

In accordance with 40 CFR 70 and Env-A 907.04, each Annual Compliance Certification must contain the following information:

1. The terms and conditions of the permit that are the basis of the certification. The report must include the particular permit Section or item number that references each requirement, and a brief summary of the requirement.
2. The compliance status of the source with respect to each term and condition of the permit, and whether compliance was continuous, intermittent (i.e. not in compliance all the time during the period, but in compliance for most of the time), not in compliance (i.e. not in compliance at all during the period, or not in compliance most of the time), or, in some instances, "not applicable" during the reporting period. The compliance status is not continuous if any deviation of the permit requirement occurred during the reporting period. See Section 3 of this guidance for reporting of permit deviations, which must be done any time a source is not in compliance with a permit requirement. See page 6 of this guidance for a description of when it is appropriate to certify compliance as "Not Applicable".
3. The method(s) used for determining compliance, including a description of the monitoring, record keeping, or test methods, and the frequency, either continuous or intermittent, of the method used to determine compliance.

The frequency of the method does not have to be continuous for compliance (as discussed in 2. above) to be reported as continuous. Most methods of determining compliance, including but not limited to most data recording, recordkeeping, reporting, fuel sampling, and stack testing, are intermittent methods. Only automated and/or computerized methods such as continuous emissions monitoring (“CEM”) systems, continuous opacity monitoring (“COM”) systems, or other continuously monitored and recorded operational parameters are considered continuous means of identifying the compliance status.

Intermittent monitoring is sufficient to demonstrate continuous compliance if each reading or measurement required to be taken by the permit during the monitoring period shows compliance. Any monitoring method, whether intermittent or continuous, that shows any period(s) of non-compliance indicates intermittent compliance.

Any required monitoring that was not done, whether due to missing an intermittent reading or downtime of a continuous monitor, indicates intermittent compliance with the requirement to perform the monitoring. However, during those periods of missing data, the compliance status of the parameter being monitored could still be reported as continuous, if no other data indicated an out of compliance status, and depending on the duration of the period during which the data was missing. In some cases, DES may require an alternate parameter to be monitored or a lesser frequency of monitoring, during a period of missing data caused by malfunction of monitoring equipment. For example, if a required opacity monitor malfunctioned, DES might require visible opacity observations to be done hourly or possibly daily until such time the monitor was repaired.

4. Any additional information required in order to determine the compliance status of the source. The compliance status regarding a particular permit requirement must be based, at a minimum, on the testing and monitoring methods that are specified in the permit. If the owner or operator knows of any other material information, beyond the monitoring required by the permit, that demonstrates any periods of non-compliance with a requirement of the permit, that information must be identified and addressed in the compliance certification.

If the Title V source cannot certify its compliance as “Continuous” for any permit condition, it must include in the Annual Compliance Certification, at a minimum, the date(s) during the reporting period when the permit deviation(s) occurred (discussed in Section III of this guidance). The source is required to include in its Semi-Annual PD/M Report (discussed in Section II of this guidance) a summary of any permit deviations that occurred during the semi-annual period. Any deviations that occurred during the reporting period that were either not reported to DES within 24 hours of discovery, or were not summarized in the Semi-Annual PD/M Report, should be reported in detail in the Annual Compliance Certification report. Data

that has already been submitted to DES in the Semi-Annual PD/M Report can be referenced in the Annual Compliance Certification instead of submitting duplicate data.

As has been stated earlier, the source is required to certify its compliance status with each and every requirement of the permit. The conditions typically numbered as Sections I through VII of the Title V Operating Permit identify the source, its primary activities, the permitted devices and the pollution control equipment, among other things. These initial permit conditions typically do not require any action on the part of the Title V source in order for it to comply with the permit. The conditions list the physical properties of the facility as it was described in the application for the Title V Operating Permit. These initial permit conditions are as follows:

Section I	Description of the facilities primary operations.
Section II	Permitted Activities statement.
Section III	Tables showing significant permitted devices and stacks.
Section IV	Identification of any Insignificant Activities
Section V	Identification of any Exempt Activities
Section VI	Table showing any pollution control equipment
Section VII	Identification of any alternative operating scenarios.

Even though these conditions require no action by the source in order to comply, the source must still certify its compliance status. This serves as an indication to DES and the USEPA that there have been no physical or operational changes to the facility since the submittal of the Title V Operating Permit application that might require amending the permit. If the source believes that Sections I through VII accurately reflect the current activities and physical condition of the facility, it can certify its compliance status with these conditions as “Continuous”. Since there is no monitoring that is necessary, the source can certify the monitoring frequency as either “Continuous” or “Not Applicable” and the monitoring method as “Not Applicable”.

A Title V source that has not yet been issued its Title V Operating Permit and is operating under the conditions of one or more Temporary Permits or State Permits to Operate still must certify its compliance with each and every condition of the permit(s) to which it is subject.

Some examples of how to list the permit condition, summarize the permit condition requirement and/or monitoring methods, as well as how to properly certify the compliance status with the permit condition are included below.

Example 1: A source has been issued a Title V Operating Permit for a wood-fired boiler. Sections I through VII of the permit describe the facility and list the permitted devices as the boiler and an emergency diesel generator. The boiler has an electrostatic precipitator to control particulate emissions. There are no insignificant or exempt devices. Compliance with these permit conditions can be certified as follows:

Permit Condition #	Summary of Permit Condition	Compliance Status	Monitoring Frequency	Monitoring Method	Summary of Deviations, if applicable; or Comment
Section I	Facility Description of Operations	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section II	Permitted Activities	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section III.A, Table 1, EU1	Zurn Waterwall Wood-fired Boiler; heat input limited to 255 MMBtu/hr.	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section III.A, Table 1, EU2	Emergency Diesel Generator	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section III.B, Table 2,	Stack Criteria – EU1	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section IV	Insignificant Activities Identification	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section V	Exempt Activities Identification	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section VI, Table 3	Pollution Control Equipment – ESP on EU1	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None
Section VII	Alternative Operating Scenarios	Continuous	Continuous (or “Not Applicable”)	Not Applicable	None

Example 2: A source has a Title V Operating Permit for its fuel oil-burning device. Section VIII.B, Table 3, Item 7 specifies that “the maximum usage of #6 fuel oil shall be limited to 2,500,000 gallons during any consecutive 12-month period. This fuel consumption may be adjusted such that the gallons of fuel consumed may be increased proportionately to the average sulfur content of fuel burned. The SO₂ emissions from the facility may not exceed 249 tons during any consecutive 12-month period.” Compliance with these permit conditions can be certified as follows:

Permit Condition #	Summary of Permit Condition	Compliance Status	Monitoring Frequency	Monitoring Method	Summary of Deviations, if applicable; or Comments
Section VIII.B, Table 3, Item 7	2,500,000 gal of #6 fuel per 12-month period, and 249 tons SO ₂ per 12-month period	Continuous	Continuous – fuel usage Intermittent - %S	Continuous fuel metering and %S on fuel delivery tickets	None

Section VIII.D, Table 5, Item 16 of the same permit requires calibration of the fuel monitors and Item 17 requires continuous fuel usage monitoring:

Permit Condition #	Summary of Permit Condition	Compliance Status	Monitoring Frequency	Monitoring Method	Summary of Deviations, if applicable; or Comments
Section VIII.D, Table 5, Item 16	Fuel-flow metering/recording devices shall be calibrated	Continuous	Intermittent - As required by manufacturer	Plant Maintenance Plan and Logbook	None
Section VIII.D, Table 5, Item 17	Fuel-flow shall be continuously monitored	Continuous	Continuous	Fuel flow monitor	None

Section VIII.F, Table 7, Item 5 of the same permit requires that delivery tickets from fuel suppliers be kept to document percent fuel sulfur content and Item 6 requires fuel usage recordkeeping:

Permit Condition #	Summary of Permit Condition	Compliance Status	Monitoring Frequency	Monitoring Method	Summary of Deviations, if applicable; or Comments
Section VIII.F, Table 7, Item 5	Delivery tickets for each shipment of fuel oil received kept on file for inspection	Continuous	Intermittent - With each fuel delivery	Plant fuel records and Logbook	None
Section VIII.F, Table 7, Item 6	Record daily fuel usage in a bound logbook	Continuous	Intermittent - Daily	Fuel flow monitor and Logbook	None

Example 3: A source has a Title V Operating Permit for its coating operation. Section VIII.E, Table 6, Item 3(c)1 requires it to test its thermal oxidizer, upon request by DES, to demonstrate at least 90% efficiency in reducing VOC emissions. Item 3(c)2 requires that the oxidizer continuously maintain a central chamber temperature of at least 1480 °F to ensure the minimum 90% removal efficiency while the unit is in operation. Item 3(c)3 requires continuous monitoring and recording of the oxidizer temperature, and Item 3(c)4 requires a low temperature alarm or periodic monitoring every 24 hours. Compliance with these permit conditions can be certified as follows:

Permit Condition #	Summary of Permit Condition	Compliance Status	Monitoring Frequency	Monitoring Method	Summary of Deviations, if applicable; or Comments
Section VIII.E, Table 6, Item 3(c)1	Minimum 90% VOC reduction efficiency by DES stack test	Continuous	Intermittent - When required by DES	Stack test	Tested in 1995, DRE of 98.5%.
Section VIII.E, Table 6, Item 3(c)2	Minimum 90% VOC reduction and central chamber temperature at least 1480 °F	Intermittent	Continuous	Temp. monitor and stripchart w/ low temp alarm	On 10/08/00, temp at 1455 for 1 hour. See PD report submitted 10/09/00.
Section VIII.E, Table 6, Item 3(c)3	The operating temperature of the thermal oxidizer shall be monitored and recorded continuously.	Intermittent	Continuous	Alarm on stripchart recorder if it stops or malfn's	Paper jam prevented recording data on 3/16/00 and 7/27/00. See PD reports submitted on 3/16/00 and 7/28/00.
Section VIII.E, Table 6, Item 3(c)4	Either low temperature alarm, or stripchart shall be examined every 24 hours to ensure compliance.	Continuous	Continuous	Temp. monitor and stripchart w/ low temp alarm	None

The examples above should be used as a reference in determining how to certify compliance with permit conditions. The source must certify its compliance status with **all of the terms and conditions of its permit(s)**, in the order in which the terms and conditions are listed. In these examples, only a very brief summary of the permit condition is included. In its submittal of the Annual Compliance Certification, the Title V source must include enough

information in the summary of the permit condition so that it is clear what the condition requires and what is being certified.

When completing the Annual Compliance Certification, the only exception to the source having to certify each and every requirement of the Title V Operating Permit is when certifying compliance with The General Title V Operating Permit Conditions, typically numbered as Sections X through XXVIII. In most cases, the source can certify its compliance with all these conditions as one item and make the statement that the general permit conditions (the Section numbers may vary according to individual Title V Operating Permits) are either not applicable or are addressed by other conditions contained within the permit. However, in some cases making this statement will not be accurate and the source will have to address these general conditions individually in the Annual Compliance Certification in order to accurately certify its compliance status.

For example, some of the individual conditions contained in the The General Title V Operating Permit Conditions are duplicated by similarly stated requirements contained in other sections earlier in the Title V Operating Permit. However, if any of the non-duplicated sections of the The General Title V Operating Permit Conditions are applicable, then the source will have to certify its compliance with those specific sections individually and, therefore, with each of the sections of The General Title V Operating Permit Conditions individually. In addition, if the source is not in continuous compliance with any of the applicable sections of The General Title V Operating Permit Conditions that are duplicated earlier in the permit, the source cannot state it is in compliance with the The General Title V Operating Permit Conditions.

The Annual Compliance Certification must include a Certification of Accuracy statement, as discussed in Section IV of this guidance. The Responsible Official listed on the cover page of the Title V Operating Permit must sign the statement. For a Title V source that does not hold a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164.

If there are any questions regarding the Annual Compliance Certification, please call (603) 271-1370 prior to the reporting deadline and request to speak to the Air Resources Division's Compliance Bureau.

Section II. Semi-Annual Permit Deviation and Monitoring Report:

40 CFR 70.6(a)(3)(iii)(A) and Env-A 907.04 contain the requirements for semi-annual reporting. These requirements are usually incorporated into the Title V Operating Permit in either the table titled "Applicable Reporting Requirements," or in the section titled "Compliance Demonstration Requirements."

All Title V sources are required to submit Semi-Annual Permit Deviation and Monitoring ("PD/M") reports to DES. In this report, the source summarizes the results of the monitoring and

work practices required by the permit(s) in order for it to determine and to demonstrate its compliance status with the terms and conditions of the permit(s).

Reports are usually submitted on or before **July 31** for the preceding period of January through June, and on or before **January 31** for the preceding period of July through December. However, sources may elect to submit these reports on an alternate schedule with the prior approval of DES. The reports can be submitted on some other 6-month frequency, or on a calendar quarter basis. For those sources that are already submitting other permit-required reports on a quarterly basis, the information to be included in the Semi-Annual PD/M Reports can also be submitted at that same time, after receiving approval from DES for this alternative reporting schedule. For example, sources with CEM systems are required to submit quarterly Excess Emissions Reports and summaries of daily emissions data within 30 days after the end of the calendar quarter. A source may submit all the permit-required reports at one time if it is easier for the source to do so,. However, if this option is chosen, each individual report should be separate and clearly labeled as to the type of report and the permit condition requiring the report. In addition, the cover sheet of the reporting package should clearly indicate which reports are included.

The types and amount of data that are required by the monitoring provisions of the permit vary greatly from source to source depending on the devices covered by the permit. The monitoring information that is included in the semi-annual PD/M should contain summaries of the pertinent data that demonstrate the source's compliance status and show that the required data is being recorded and maintained. Some examples of common permit monitoring requirements and the data that should be submitted to DES in order to demonstrate compliance with those requirements are included below and on the following pages.

Example 4: A source has a Title V Operating Permit for three oil-fired boilers that are subject to NO_x RACT. The permit contains monitoring requirements that include: initial NO_x RACT stack testing of the boilers and periodic testing at least every 3 years after, and maintenance of records of fuel deliveries to show compliance with fuel sulfur content limits. The Semi-Annual PD/M Reporting requirement provides that the source shall include records to show compliance with the monitoring requirements of the permit:

Item #	Device	Parameter	Method of Compliance	Frequency of Method
1.	Boiler 1, Boiler 2, and Boiler 3.	NO _x RACT compliance	The operator shall conduct an initial compliance stack test, and test at least every 3 years thereafter, to demonstrate compliance with the NO _x RACT emission limits specified in Env-A 1211.	Initially, and once every three years.
2.	Boiler 1, Boiler 2, and Boiler 3.	Fuel Sulfur Content Verification	The operator shall conduct testing using the appropriate ASTM method or retain certified delivery tickets which state the %S (by weight) for each delivery of fuel oil to determine compliance with the	For each delivery

			sulfur content limits in this permit and to meet the requirements specified in Env-A 900.	
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In those years in which the NO_x RACT testing required in Item #1 of Example #4 above is conducted, the source should include in the Semi-Annual PD/M report which covers the 6-month period in which the testing was accomplished a summary of the results of the testing. For those years when testing is not required to be performed, the source should state when the last test was accomplished.

For the fuel sulfur content verification requirement in Item #2 of Example #4 above, the source should include a summary of all fuel deliveries that occurred in the semi-annual period being reported, showing the date delivered, and the amount and the weight percent sulfur of each delivery. In addition, copies of several representative fuel delivery tickets showing the information that was summarized should be included in the report.

Please note that in some permits, all the information that is required to be included in the Semi-Annual PD/M Report may not be stated in the individual monitoring requirements of the permit. For example, the reporting requirement for the Semi-Annual PD/M Report may state “The report shall contain a summary of the following information...a summary report of the annual NO_x RACT efficiency testing results required in the Applicable Recordkeeping section of this permit.” The recordkeeping requirement for the annual NO_x RACT efficiency testing typically reads as follows:

Table 6 – Applicable Record keeping Requirements			
Record keeping Requirement	Frequency of Record keeping	Applicable Emission Unit	Regulatory Cite
<p>The permittee shall maintain records of NO_x RACT Testing Results for the boilers in a permanently bound logbook containing the following information:</p> <ol style="list-style-type: none"> 1. The date(s) on which: <ol style="list-style-type: none"> a. The efficiency test was conducted; and b. The combustion process was last adjusted; 2. The name(s), title and affiliation of the person(s) who: <ol style="list-style-type: none"> a. Conducted the efficiency test; and b. Made the adjustments; 3. The NO_x emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; 4. The CO emission concentration, in ppmvd, corrected to 15% oxygen, after the adjustments are made; and 5. The opacity readings 	Maintain on a continuous basis as specified in Table 5 of this permit	Boiler 1, Boiler 2, and Boiler 3.	Env-A 1211.05(b)(2) & 40 CFR 70.6(a)(3)(iii) (A) Federally Enforceable

The recordkeeping requirement in Table 6 stipulates that NO_x and CO concentration readings, corrected to 15% oxygen, and opacity readings need to be included in the records maintained of the testing. Therefore, the person(s) performing the testing must collect this data during the annual NO_x RACT efficiency test. This data must be submitted in the Semi-Annual PD/M Report.

The example above illustrates the importance of being aware of ALL the details and requirements of the permit.

Example 5: A source is required by its Title V Operating Permit to maintain the exhaust gases leaving the secondary chamber of an incinerator at a temperature greater than 1500 °F to ensure adequate destruction of pollutants. The source is required to continuously monitor this temperature using a system that records and averages the temperature data hourly. The source is also required to record process data continuously on a stripchart. The permit requires that the Semi-Annual PD/M Report contain summaries of the monitored data.

*To meet this requirement, **all** of the data recorded during the semi-annual period **does not have to be submitted** to DES to demonstrate compliance. The source can submit examples of the temperature and process data recorded over short-term periods (e.g. one day) that show representative data and how the data is recorded and monitored. The source can also submit a statement that on all days during the reporting period, noting any exceptions and deviations, values for the recorded parameters fell within the allowable ranges. The source can summarize any days that were promptly reported as deviations to DES because data was not recorded, or because the data fell outside of the allowable ranges.*

The Semi-Annual PD/M Report should include a summary of all permit deviations that have occurred during the reporting period and that are required to be reported (see Section III below). The summary of deviations does not have to include all the details of each reported permit deviation, since this information should be included in the Permit Deviation report itself. However, it should include the affected device, type of deviation, date of occurrence, date the Permit Deviation report was filed with DES, and whatever minimum data is necessary to show that the deviation was remedied. Any deviations that occurred during the reporting period that were not previously reported to DES within 24 hours of discovery (as required) should be reported in detail in the Semi-Annual PD/M Report.

Optional forms that can be used for reporting the information required to be included in the Semi-Annual PD/M Report are included as an attachment to this guidance document. The source is not required to use these forms or to use the particular format shown. However, all information listed on the optional forms is required to be reported by the source.

The Semi-Annual PD/M Report must include a Certification of Accuracy statement as discussed in Section IV of this guidance. The statement must be signed by the Responsible

Official as listed on the cover page of the Title V Operating Permit. For a Title V source that does not hold a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164.

If there are any questions regarding the Semi-Annual PD/M Report, please call (603) 271-1370 prior to the reporting deadline and request to speak to the Air Resources Division's Compliance Bureau.

Section III. Reporting Permit Deviations:

40 CFR 70.6(a)(3)(iii)(B) contains requirements for the reporting of permit deviations by Title V sources. It states that permits shall require:

“Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The permitting authority shall define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements.”

The term “deviation” is not defined in 40 CFR 70. However, “permit deviation” is defined in NH Admin. Rules Env-A 101.138 as “any occurrence that results in an excursion from any emission limitation, operating condition, or work practice standard as specified in either a Title V Operating Permit, state permit to operate or temporary permit issued by the division.” DES and the USEPA Region 1 have chosen to describe “prompt” as within 24 hours of discovery of a deviation.

The Permit Deviation Section of the Title V Operating Permit, typically either Section XXVIII or Section XXX depending on the particular permit, describes the requirements for reporting permit deviations. The Title V Operating Permit requires all permit deviations to be reported to DES within 24 hours of discovery of the deviation. The deviation can be reported to DES by telephone, fax, or e-mail (pdeviations@des.nh.gov). Permit deviations reported to DES by telephone must be followed up by a written report of the deviation within 10 days of discovery. Deviations reported to DES within 24 hours by fax or by e-mail that contain all the information of the written report, fulfill both the 24-hour requirement and the requirement for the written report.

Note that NH Admin. Rules Env-A 911 promulgated on 4/21/07 sets forth requirements for reporting permit deviations that are different from those of the Title V program. The reporting requirements in Env-A 911 are not federally-approved and are therefore superceded by the requirements in 40 CFR 70 and the current Title V Operating Permit until such time they receive federal approval. Although Env-A 911 now allows for permit deviations that do not cause excess emissions to not be immediately reported to DES unless the deviation continues for 10 days or more, 40 CFR 70 and current Title V Operating Permits require sources to report all

permit deviations to DES within 24 hours of discovery, whether or not excess emissions have occurred, until such time Env-A 911 is federally-approved.

The written permit deviation report must include the following information:

- 1) A citation of the permit section and/or item # that was deviated from;
- 2) The specific device that contributed to the deviation, if applicable. This can include an air pollution control device;
- 3) The particular pollutant involved, if applicable;
- 4) A description of the permit deviation. If the deviation was a violation or exceedance of an emissions standard, or would affect actual emissions (e.g. control device not operated) include the magnitude of the emissions and an explanation of the calculation or estimation used to quantify the emissions;
- 5) The day(s) on which the permit deviation occurred;
- 6) The duration of the deviation, including the time the deviation began and ended; and
- 7) The cause of the deviation and the actions performed to correct the deviation and the preventive measures taken to prevent future occurrences.

In accordance with 40 CFR 70, any permit term or condition that has not been complied with is a deviation of that permit term or condition and must be reported to DES as a permit deviation. The deviation may or may not be a violation of an emission limitation or standard. A permit deviation can occur while other indicators of compliance demonstrate that no emissions violation or exceedance has occurred. Failure to monitor data required by the permit, or at the frequency required by the permit, is also a permit deviation. Also, if other evidence shows that the parameter that was being monitored was outside of the compliance range during the period of missing data, or that an emissions violation or exceedance occurred that normally would have been indicated by the data that was not recorded, then this must also be reported as a permit deviation. Reporting permit deviations to DES does not necessarily imply that enforcement action will be taken for the deviation. However, DES may choose to take appropriate enforcement action for permit deviations depending on the circumstances.

Title V sources must summarize in the Semi-Annual PD/M Report (discussed in Section II of this guidance) any deviations that have occurred during the preceding 6-month (or 3-month if reporting quarterly) period. Any individual deviation that was not reported to DES in detail as required must be reported in detail in the Semi-Annual PD/M Report.

An optional form that can be used for reporting permit deviations by fax or e-mail is included as an attachment to this guidance document. The source is not required to use this form or the particular format shown. However, all information listed on the form and noted above is required to be reported by the source.

The permit deviation report must include a Certification of Accuracy statement as discussed in Section IV of this guidance. The report must be signed by the Responsible Official listed on the cover page of the Title V Operating Permit. For a Title V source that does not hold

a Title V Operating Permit, the Responsible Official is the person defined in Env-A 101.164. DES will accept permit deviation reports sent via e-mail without a signed Certification of Accuracy statement, but the signed Certification of Accuracy statement must be faxed or mailed immediately thereafter.

If there are any questions regarding reporting of permit deviations, please call (603) 271-1370 and request to speak to the Air Resources Division's Compliance Bureau.

Section IV. Certification of Accuracy Statement:

40 CFR 70.5(d) states that "Any application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under this part shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete."

The person designated by the source as the Responsible Official can be any one or more of the following:

- a. A person in charge of a principal business function, or who performs similar policy or decision-making functions for the corporation;
- b. A duly authorized representative of the company or corporation if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit;
- c. A responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the submission of and compliance with permits, permit applications, and compliance plans for the unit; or the submission of, or compliance with permits, permit applications, compliance plans, emission monitoring plans and reports, and Annual Compliance Certifications; or
- d. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

The person designated as the Responsible Official can be changed by requesting an Administrative Permit Amendment pursuant to the NH Admin. Rules Env-A 612.01.

All documents submitted to the DES are required to contain a certification of accuracy statement signed by the Responsible Official. Such certification must comply with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Section V. Mailing Addresses:

All reports submitted to DES must be mailed to the following address:

NH Department of Environmental Services
Air Resources Division
29 Hazen Drive
P.O. Box 95
Concord, NH 03302-0095
ATTN: Compliance Bureau

All reports submitted to EPA must be mailed to the following address:

US EPA, Region 1
ATTN: Air Compliance Clerk (mailcode: SEA)
One Congress Street, Suite 1100
Boston, MA 02114
(888)372-7341 (toll-free phone)

If there are any questions regarding the reporting of permit deviations, please call (603) 271-1370 and request to speak to the Air Resources Division's Compliance Bureau.

Appendices to Guidance Document:

- A. [Annual Compliance Certification, Parts 1 through 3](#)
- B. [Instructions for completion of the Annual Compliance Certification](#)
- C. [Semi-Annual Permit Deviation and Monitoring Report, Parts 1 through 5](#)
- D. [Instructions for completion of the Semi-Annual Permit Deviation and Monitoring Report](#)
- E. [Permit Deviation Reporting Form](#)